

REMARKS

Claims 20-66 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration. Applicants note with appreciation the allowance of claims 20-43 and 66.

Turning now to the merits of the Office Action, Applicants note the contradiction between the Section 102(b) and Section 103(a) rejections of the claimed invention. In the Section 103(a) rejection, the Examiner admits that Teder does not show an ambient light sensor, yet the Examiner relies on Teder in the Section 102(b) rejection to reject the same claims that recite this ambient light sensor. Either the Examiner agrees that Teder does not teach an ambient light sensor, or he agrees that Teder does.

In the prior Amendment, Applicants argued not only that Teder does not show an ambient light sensor, but also that Teder teaches away from any modification of its rain sensor that would result in it containing such a sensor. Specifically, the moisture sensor of Teder includes light barricades 82, which "may be mounted on the circuit board to exclude ambient light from the detector 58." Column 8, lines 37-39. Because of the operation of these light barricades in the sensor of Teder, one of ordinary skill in the art would recognize the futility of incorporating an ambient light sensor in a sensor into which no ambient light is permitted to enter. The Examiner completely ignores this argument. To repeat, Teder uses light barricades 82 to completely block out the entry of ambient light; if the Teder rain sensor prevents any ambient light from entering into its interior, of what use would an ambient light sensor be? If the Examiner is suggesting that one of ordinary skill in the art would have been motivated not only to place an ambient light sensor into the Teder rain sensor, but also to remove the light barricades 82 that block the entry of ambient light into the interior of the Teder rain sensor, such an assertion would be false. Teder minces no words about the undesirability of permitting ambient light into the rain sensor taught therein: "In additional [sic], light barricades 82 may be mounted on the circuit board to exclude ambient light from the detector 58 and to prevent improper optical communication or crosstalk between emitter 56 and detector 58 in the housing." Teder expressly and unequivocally states that ambient light is undesirable, yet we are to believe that one of ordinary skill in the art would ignore this teaching and proceed heedlessly to modify the Teder sensor according to the Examiner's wishes? In other words, Teder indicates that the modification proposed by the Examiner would be useless, yet the Examiner goes ahead anyway with the

modification. An Examiner must consider a reference for all of its teachings, not merely those that favor his own preconceived and unsubstantiated opinion on the patentability of a claim. The Examiner's own Manual of Patent Examining Procedure teaches as much when it states that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to render the claims prima facie obvious." MPEP, 8th ed. (May 2004 revision) at page 2100-132. The principle of operation articulated in the passage from Teder is simple yet unmistakable: no ambient light is permitted inside the sensor. As indicated by the Examiner's very own MPEP, no valid modification of Teder may undermine this principle. In fact, not only does the proposed combination undermine this expressly articulated principle of operation, the proposed combination completely eviscerates it by directly and flatly contradicting it. No justification exists for modifying Teder in the manner proposed by the Examiner. Therefore, based on this discussion, Applicants respectfully request withdrawal of the rejection of claim 44.


As for claims 45-48, 51-53, 61, 64, and 65, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 44.

As for the remaining Section 103 rejections, since none of the references relied upon in those rejections overcomes the deficiencies noted with respect to Teder, Applicants submit that the claims cited in these additional rejections are patentable for at least the same reasons given in support of the patentability of claim 44.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,
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